

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION**

**CIVIL APPLICATION NO.17 OF 2005
IN
L.P.A.NO.79.OF 2000**

Nirmaladevi Vijaynarayan Dwivedi .. Applicant
V/s
Kalika Ram Nihut Pandey .. Respondent
Mrs.V.S.Deshpande for the Applicant.

**CORAM: DR.S.RADHAKRISHNAN &
V.K.TAHILRAMANI, JJ.**

DATE : 14.12.2005.

P.C.:

1. Heard the learned Counsel for the Applicant. None appears for the Respondent though served. Perused the Civil Application. For the reasons stated therein sufficient cause is made out for condoning the delay in filing this Application and for recalling of the order dated 13.8.2004 whereby the Appeal was dismissed in default. There is no case of inaction, negligence or want of bonafide on the part of the Applicant. Hence, Civil Application is made absolute in terms of prayer clause (a), (b) and (c).

2. Place the L.P.A.on board for final hearing on 11.1.2006.

(DR.S.RADHAKRISHNAN, J.)

(SMT.V.K.TAHILRAMANI, J.)